

**ARKANSAS PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL  
BAIL BONDSMAN LICENSING BOARD  
February 10, 2006**

Chairman Don Smith called the meeting to order at 9:00 a.m.

Roll call was taken. The following members were present: Don Smith, Frank Sturgeon, Marc Oudin, Eugene Reynolds, Phyllis Carruth, and Rex Morris. Also present were Assistant Attorney General Chilesa Ready; Executive Director, Tommy Reed; Board staff and members of the audience.

Following a review of the Board Minutes for January 13 2006 Mr. Oudin moved to approve the minutes as presented. Mr. Sturgeon seconded. The motion carried on unanimous voice vote.

**OLD BUSINESS**

**Transfers/Suspensions/Reinstatements:**

A report was provided for information purposes: Five transfer requests were submitted and approved during the month. There were seven (7) agent terminations by the notice from the bond company. There were two (2) agent suspensions by notice from the bond company.

**Forfeitures - Open:**

The Open Forfeiture Report was presented. The Chair invited comment or discussion. In response to an inquiry by Mr. Morris, Mr. Reed explained that the notation of "Stay Letter" indicated the date a letter from the Board had been sent to the bond company giving them ten (10) business days to either satisfy the judgment or provide the Board with a copy of a signed, file-marked order staying execution of the judgment; otherwise their license would be suspended according to the statute. The letter is sent when a notice of appeal or motion to set aside or vacate the judgment has been filed and is meant to facilitate prompt action by the bond company. There being no further comment or discussion, the Chair opened the floor for motions. Mr. Sturgeon moved to suspend those licensees whose forfeitures were not timely paid between February 10, 2006 and the March 10, 2006 regular board meeting. Ms. Carruth seconded. The motion carried on unanimous voice vote.

**Past Due Forfeitures:**

The Past Due Forfeiture Report was presented for review. The Chair invited questions, comments or discussion. Mr. Reed discussed two judgments on the list for Bill's Bail Bonds, Inc. from Benton County. There was a general discussion of the situation Bill's was facing in northwest Arkansas and his efforts to get it straightened out. Gary Edwards was recognized by the Chair and asked whether the statutory provision concerning the consequences of two suspensions of a licensee in a twenty-four month period applied to suspensions for failure to timely pay judgments. The Chair asked for counsel's opinion. Ms. Ready and Mr. Reed requested an opportunity to research the issue and report at the next regular board meeting. There were no further comments and the Board proceeded.

**Appeal Update - #04-012, APBBLB v. Will Oliver/Liz Frawley Bail Bonds, Inc.**

Mr. Reed provided a copy of the decision of the Pulaski Circuit Court upholding the Board's revocation of the bondsman license of Elizabeth Frawley. It was noted she could appeal this decision to the Court of Appeals. It was also noted Ms. Frawley had appealed the Board's decision in #05-029 APBBLB v. Liz & Stan Bail Bond, Inc., et al.

1 **Appeal Update - #04-012, APBBLB v. Ron Oliver/FABB**

2 The Board was provided information concerning procedures to file a belated appeal of the Circuit  
3 Court's reduction of the three-month suspension imposed by the Board to a \$500 dollar fine. Ms.  
4 Carruth noted that her motion to appeal at the last meeting died for lack of a second. She stated  
5 her thoughts as to the importance of appealing the decision; why she had no support for an  
6 appeal; and then moved to appeal the decision. The motion died for lack of a second. There was  
7 discussion of the factors the court considered in reducing a sanction it characterized as unduly  
8 harsh. There were no further comments and the Board proceeded.

9  
10 **NEW BUSINESS**

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12 **January Vouchers Paid**

13 A report of payments made in January was provided for information purposes. Chairman Smith  
14 invited questions and/or discussion regarding the vouchers paid.. There were no questions or  
15 comments and the Board proceeded.

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17 **License Approvals:**

18 Two (2) bondsman license applications and ten (10) tentative bondsman applications were  
19 submitted for Board approval. Mr. Sturgeon moved to approve those applications as presented,  
20 pending receipt of necessary documentation. Mr. Oudin seconded. The Chair called for  
21 discussion or comments; hearing none, the matter was put to a vote. The motion carried with none  
22 opposed.

23  
24 **Bondsman Application of Aaron Smith – Arvis Harper Bail Bonds**

25 The bondsman application of Aaron Smith was presented for Board consideration based on the  
26 results of the criminal background check. Mr. Smith was not present. Mr. Reed noted that Mr.  
27 Smith had been advised he had a right to be present to address questions raised by the Board. Ms.  
28 Carruth moved to deny the license. Mr. Morris seconded. The Chair called for discussion or  
29 comments; hearing none, the matter was put to a voice vote. The motion carried with none  
30 opposed.

31  
32 **Bondsman Application of Andre Burton – Arvis Harper Bail Bonds**

33 The bondsman application of Andre Burton was presented for Board consideration based on the  
34 results of the criminal background check. Mr. Burton was present and distributed copies of letters  
35 of recommendation from Michael Smith, Stuttgart Police Chief and Steven Reed, Pastor, Bible  
36 Believer's House of Faith Ministries. Mr. Oudin moved to approve the application. Mr. Sturgeon  
37 seconded. The Chair called for discussion or comments; hearing none, the matter was put to a  
38 vote. The motion carried with none opposed.

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40 **Donna's Bail Bonds – Change in Ownership/Business Structure**

41 Mr. Reed advised the Board that a properly completed application had been submitted indicating  
42 Bradley Parnell had purchased 90% of the stock of the corporation and that Ray and Donna  
43 Matchett retained ownership of 10% of the stock; there were no new owners, officers or directors  
44 not previously approved and licensed by the Board; and therefore, no criminal background checks  
45 were required.

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47 **Arkansas County & Circuit Clerk's Conference**

48 Mr. Reed advised the Board he would address the circuit clerks meeting in Eureka Springs on  
49 February 24 and give them information concerning procedures to secure a judgment when the  
50 bond is forfeited. The Board discussed the need to provide such information and expressed its  
51 approval.

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2 Mr. Reed noted he had visited with the St. Francis County Judge the previous week and was to  
3 meet with the judge, the circuit clerk and a deputy prosecuting attorney the following week to  
4 assist them in reducing forfeited bonds to judgment and collection of those judgments using the  
5 services of the Board. After discussion, the Board proceeded.

6  
7 **Governmental Accounting Seminars**

8 Mr. Reed provided information concerning a series of governmental accounting seminars and his  
9 request for approval to attend. The Chair invited questions. Mr. Sturgeon moved to approve  
10 attendance. Mr. Morris seconded. The Chair called for discussion or comments; hearing none, the  
11 matter was put to a vote. The motion carried with none opposed.

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13 **Arkansas Sheriff's Association meeting**

14 The Chair noted that the Executive Director had attended the sheriff's meeting in North Little  
15 Rock at the Chair's invitation and had been received well. Mr. Reed noted that the Board  
16 investigator, Larry Peters, had also attended and that Mr. Peter's had made positive contacts  
17 within the law enforcement community generally.

18  
19 **Special Order of Business: In the Matter of Bobby Cox/Larry Norwood**

20 Mr. Reed advised the Board of the arrest of Mr. Cox and Mr. Norwood in Lonoke County earlier  
21 in the week and requested the Board consider the courses of action available, i.e. emergency  
22 suspension and administrative hearing or allowing the criminal charges to be concluded prior to  
23 Board action. He requested the Board direct which action to take. Ms. Ready advised the Board  
24 of statutory options. Mr. Reed advised he had spoken with both individuals and attorneys on their  
25 behalf.

26  
27 Mr. Norwood was present and addressed the Board. He noted that his ability to speak to the  
28 Board was limited because a gag order had been issued in the criminal matter. He distributed  
29 copies of the results of a urine test to which he had voluntarily submitted the previous day. He  
30 discussed his good record and experiences as a bond agent and the irreversible effect of the  
31 suspension of his license prior to an adjudication of the criminal charges on which he and Mr.  
32 Cox were arrested.

33  
34 Mr. Oudin noted the Mr. Norwood is an agent for his company and had always performed his  
35 duties professionally and timely. He discussed the situation and noted an agent's ability to  
36 respond to administrative issues was hampered while the judicial system ran its course.

37  
38 Mr. Morris noted he had received many calls from company owners and that it was their belief  
39 that this was the latest in a long line of "bad marks" on the industry. He stated it was their  
40 expressed desire to see prompt action by the Board in order to "lessen the damage that's been  
41 done here" in the public's perception of the bond industry and the Board.

42  
43 Ms. Carruth noted her experiences and actions in a matter before the Board when Gary Edwards  
44 was a board member and subject to criminal prosecution. She noted his subsequent vindication  
45 and stated her belief that the Board has no "business even considering punishing these people  
46 before it's been through the Courts" Mr. Reynolds concurred.

47  
48 Mr. Sturgeon noted Mr. Cox had been before the Board on other allegations. Mr. Reynolds spoke  
49 favorably regarding Mr. Norwood. Mr. Gary Edwards was recognized and noted he had  
50 personally experienced the situation these bondsman find themselves in and the irreversible  
51 effects Board action can have. David Viele, president of John Chism Bail Bonds, was recognized.

1 He spoke in favor of allowing the criminal justice system to run its course. Arvis Harper  
2 concurred.

3  
4 Mr. Oudin moved to open an investigative file and monitor the criminal charges. Mr. Reynolds  
5 seconded. Mr. Sturgeon requested Mr. Oudin recuse. Mr. Oudin recused. The motion was  
6 withdrawn. Mr. Reynolds renewed the motion. Mr. Sturgeon seconded. The motion was put to a  
7 roll call vote as follows: Mr. Reynolds – Yes; Ms. Carruth – No; Mr. Morris – Yes; Mr. Sturgeon  
8 – Yes; Mr. Smith – Yes; Mr. Oudin – recused; Mr. Williams – Not present. The motion carried  
9 with 4 Yes and 1 No; 1 not voting and 1 not present.

## 10 11 **Hearings**

### 12 **In the Matter of: APBBLB #05-029 APBBLB v. Liz & Stan Bail Bonds, Inc., et al**

13 Mr. Reed advised that the matter had been placed on the agenda for the limited purpose of taking  
14 testimony from Jeff Darling, a respondent in the matter. However, the matter was removed at Mr.  
15 Darling's request.

### 16 17 **In the Matter of: APBBLB #05-030 Renny's Bail Bond Company, Inc. v. Darrick Handy**

18 Mr. Reed advised he had received notification of an agreement between the parties from counsel  
19 for the complainant, Renny's Bail Bonds. Therefore, the matter had been removed from the  
20 agenda pending completion of the agreement and submission to and acceptance by the Board of  
21 the final consent agreement.

### 22 23 **Matter of new business – Request for approval of hiring temporary investigator**

24 Mr. Reed advised the Board of Mr. Peters' recent illness and his current medical leave. He  
25 advised that Mr. Peters had been released from the hospital and had considered coming to the  
26 meeting today. Mr. Reed requested the Board authorize him to hire a temporary investigator to  
27 work with Mr. Peters during his recuperation, if it became necessary. He noted the money was  
28 available in the budget and estimated he could find temporary help at reasonable rates in the  
29 range of \$10-14 per hour. Mr. Morris moved to approve hiring temporary help as necessary and  
30 funds were available. The Chair called for discussion or comments; hearing none, the matter was  
31 put to a vote. The motion carried with none opposed.

### 32 33 **Matter of new business – Change in Board counsel**

34 Chilesa Ready, Assistant Attorney General and Board counsel, announced she would be moving  
35 to Miami, Florida and that this would be her last board meeting. She expressed her enjoyment in  
36 working with the Board and that the Board would receive written when another attorney was  
37 assigned. The Board thanked Ms. Ready for her counsel and assistance and wished her well in her  
38 move.

### 39 40 **Public Comments:**

41 Chairman Smith opened the floor for public comments. Tom Nickolich expressed caution that  
42 "everyone should remember" there was a "lot of politics" and a "vendetta" involved in the matter  
43 with Mr. Cox and Mr. Norwood and expressed his opinion that they would be vindicated when  
44 the facts were known. There were no further comments or discussion and the meeting was  
45 adjourned.

46  
47 Submitted for approval: This 10th day of March 2006, \_\_\_\_\_  
48 Don Smith, Chairman